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REMARKS

Claims 21-23, 25-27, 32-34, and 61-67 are now in the case.

Applicants appreciate and acknowledge the mention by the Examiner that claims 27 and 32-34 are allowed.

Rejections under 35 U.S.C. § 103

Claims 21-23, 25, 26 and 61-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nichols '255 in view of Newell '133 for reasons of record in paragraph 2 of the office action dated September 11, 2002.

Applicants traverse the rejection in view of the following remarks.

The office action states that “[t]he patent to Nichols discloses the invention substantially as claimed with the exception of the absorbent layer comprising a superabsorbent material. The patent to Newell discloses a cleaning device having a similar utility wherein the absorbent elements may be comprised of any fibrous materials ... which may further have incorporated therein any suitable type of super-absorbents, hydrogels which are commercially available.”

The office action further adds that “it would have been obvious ... to have modified the absorbent layer of Nichols, if so desired, to produce a single use mop application.”

Applicants respectfully disagree with the Examiner.

Applicants note the following the remarks of the Board of Patent Appeals and Interferences in the decision it rendered on October 31, 2002 (a copy of which is attached herewith) and addressing the combination of the teachings of Nichols and Newell:

“Newell teaches the use of superabsorbent materials only in the context of a disposable, single-use string mop head, whereas Nichols relates to a washable and reusable mop head. While Newell might have led one of ordinary skill in the art to substitute the entire mop head of Nichols with the string mop head of Newell, the examiner has not identified any evidence to establish that one of ordinary skill in the art would have been led to selectively omit the web

elements of Newell and add only the superabsorbent material into Nichols's washable cleaning pad.

We therefore hold that the examiner has engaged in impermissible hindsight reconstruction using the appellant's own specification as a blueprint to piece together bits from Nichols and Newell." Appeal No. 2001-1712

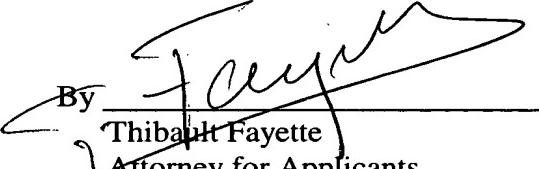
Applicants note that in this decision, the Board of Patent Appeals and Interferences reversed the 35 U.S.C. 103(a) rejection of all the claims as being unpatentable over Nichols '255 in view of Newell '133 because of impermissible hindsight reconstruction by the Examiner.

It is therefore Applicants' position that for similar reasons, claims 21-23, 25, 26 and 61-67 should be allowed.

In view of the foregoing, reconsideration and withdrawal of the rejections are respectfully requested.

Respectfully submitted,

N. J. POLICICCHIO ET AL.

By 
Thibault Fayette
Attorney for Applicants
(513) 627-4593

Customer Number: 27752